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METHODS OF AUTHORS.—II.

Speed in Writing—Deliberation—Influence of Time and Place.

Indolence, that is to say, chronic fatigue, appears to be the natural habit of imaginative brains. It is a commonplace to note that men of fertile fancy, as a class, have been notorious for their horror of formulating their ideas even by the toil of thought, much more by passing them through the crucible of the ink-bottle. In many cases they have needed the very active stimulant of hunger. The *cacoëthes scribendi* is a disease common, not to imaginative, but to imitative, minds. Probably no hewer of wood or drawer of water undergoes a tithe of the toil of those whose work is reputed play, but is, in fact, a battle, every moment, between the flesh and the spirit. Campbell, who at the age of sixty-one could drudge at an unimaginative work for fourteen hours a day like a galley-slave, "and yet," as he says in one of his letters,

"be as cheerful as a child," speaks in a much less happy tone of the work which alone was congenial to him: "The truth is, I am not writing poetry, but projecting it, and that keeps me more idle and abstracted than you can conceive. I pass hours thinking about what I am to compose. The actual time employed in composition is but a fraction of the time lost in setting about it." "At Glasgow," we read of him even when a young man, "he seldom exercised his gift except when roused into action either by the prospect of gaining a prize or by some striking incident." Campbell, if not a great man, was a typical worker.

Dr. Johnson was a very rapid writer. A modern critic says of him: "He had but to dip his pen in ink, and there flowed out a current of thought and language wide and voluminous as the Ganges in flood." Some of the best papers in the *Rambler* were written "*currente calamo*." Johnson struck off his *Ramblers* and *Idlers* at a heat when the summons of the press forbade his indolence to put off his work another moment: he did not give himself even a minute to read over his papers before they went to the printers. Often he sent a portion of the copy of an essay, and wrote the remainder while the earlier part was printing. His "Life of Savage" was dashed off at one sitting. Sir Joshua Reynolds was so fascinated with this eloquent and touching narrative, that he could not lay it down until he had finished it. Johnson would not have written "Rasselas" except for the necessity of paying the costs of his mother's funeral. He was an extremely indolent man, and yet he was a laborious worker where the imagination was not concerned. After spending the evening at the literary club in the society of Burke, Goldsmith, and other friends, he returned home between midnight

and sunrise, went to bed, and was seldom seen before noon. Bennet Langton was so delighted with the *Rambler*, that he went to London to be introduced to Johnson. He called upon him about twelve o'clock, but the great doctor was not yet visible. After waiting some time, the author of the *Rambler* made his appearance. The visitor expected to see a neatly dressed philosopher, but, instead, a huge, uncouth figure rolled into the room in a soiled morning-gown, with an ill-arranged wig, and stockings falling over his shoes.

The elder Dumas, in order to get any work done at all, had to forbid himself, by an effort of will, to leave his desk before a certain number of pages were written. Victor Hugo is said to have locked up his clothes while writing "Notre-Dame," so that he might not escape from it till the last word was written. In such cases the so-called "pleasures of imagination" look singularly like the pains of stone-breaking. The hardest part of the lot of genius, we suspect, has been not the emotional troubles popularly—and with absurd exaggeration—asccribed to it, but a disgust for labor during the activity of the fancy, and the necessity for labor when it is most disgusting.

Victor Hugo composed with wonderful rapidity. He wrote his "Cromwell" in three months, and his "Notre Dame de Paris" in four months and a half. But even these have been his longest periods of labor, and as he grew older he wrote faster. "Marion Delorme" was finished in twenty-four days, "Hernani" in twenty-six, and "Le Roi s'Amuse" in twenty. Although the poet wrote very quickly, he often corrected laboriously. He rarely rewrote. Mme. Drouet, who was his literary secretary for thirty years, copied all his manuscripts. Otherwise the printers would have found him one of the most difficult authors to put into type. Mme. Drouet saved them much worry, and himself or his publishers much expense in the way of composition. She also assisted in the correction of the proofs. He generally had several works in the stocks at the same time. Hugo considered a change of subject a recreation. He would go from poetry to fiction, from fiction to history, according to his mood. As a rule, he rose at six o'clock in the morning, took a cold bath, then took a raw egg and a cup of black coffee,

and went to work. He never sat down to write, but stood at a high desk, and refreshed himself by an occasional turn across the room, and a sip of *eau sucrée*. He breakfasted at eleven. One of his recreations was riding on the top of an omnibus, a habit he contracted during a short visit to London, when he was advised that "the knife-board" was a good place from which to see the street life of the English metropolis. The "knife-board," indeed, was his favorite point of observation, whence he gathered inspiration from the passing crowds below. Many of his famous characters have been caught in his mind's eye while taking a three-sou drive from the Arc de Triomphe to the Bastille.

The laborious pains bestowed by Alfieri on the process of composition may seem at first sight hard to reconcile with his impulsive character. If he approved his first sketch of a piece,—after laying it by for some time, not approaching it again until his mind was free of the subject,—he submitted it to what he called "development," *i. e.*, writing out in prose the indicated scenes, with all the force at his command, but without stopping to analyze a thought or correct an expression. "He then proceeded to versify at his leisure the prose he had written, selecting with care the ideas he thought best, and rejecting those which he deemed" unworthy of a place. Nor did he ever yet regard this work as finished, but "incessantly polished it verse by verse and made continual alterations," as might seem to him expedient.

Hartley Coleridge so far resembled Alfieri that it was his custom to put aside what he had written for some months, till the heat and excitement of composition had effervesced, and then he thought it was in a fair condition to criticise. But he too seldom altered. "Strike the nail on the anvil," was his advice; he never "kneaded or pounded" his thoughts, which have been described as always coming out *cap-à-pie*, like a troop in quick march. He used to brandish his pen in the act of composition, now and then beating time with his foot, and breaking out into a shout at any felicitous idea.

Gray found fault with Mason for fancying he should succeed best by writing hastily in the first fervors of his imaginations, and, therefore, never waiting for epithets if they did not

occur at the time readily, but leaving spaces for them, and putting them in afterward. This enervated his poetry, said Gray, and he says the same thing of the same method by whomsoever adopted, for nothing is done so well as at the first concoction. One of Shelley's biographers came upon the poet in a pine forest, writing verses on a guitar, and, picking up a fragment, saw a "frightful scrawl," all smear, and smudge, and disorder—such a dashed-off daub as conceited artists are apt to mistake for genius. Shelley said: "When my brain gets heated with thought, it soon boils, and throws off images and words faster than I can skim them off. In the morning, when cooled down, out of that rude sketch, as you justly call it, I shall attempt a drawing."

Byron wrote the "Bride of Abydos" in a single night, and the quill pen with which he performed this marvellous feat is still preserved in the British Museum.

Dryden wrote "Alexander's Feast" in two days.

"The Merry Wives of Windsor" was composed in a fortnight.

Beckford finished "Vathek" in two days and nights.

Henry Ward Beecher's publishers have favored the world with an account of his habits in composition. "He wrote," they tell us, "with inconceivable rapidity, in a large, sprawling hand, lines wide apart, and words so thinly scattered about that some of the pages remind one of the famous description of a page of Napoleon's manuscript—a scratch, a blot, and a splutter." This is, indeed, remarkable, but is far exceeded by the performance in that line of a famous Chinese novelist, who wrote with such fearful speed, that, throwing the finished sheets over his head, they soon accumulated to a pile large enough to darken his windows, and threaten him with suffocation.

Horace, in one of his satires, makes fun of a contemporary poet, whose chief claim to distinction was that he could compose two hundred verses standing on one leg. Horace did not think much of the verses, and, we suspect with good reason.

There are all conceivable habits of composition, and they range from the slow elaboration of John Foster to the race-horse speed of our

doughty Southern countryman, Henry A. Wise, whose prodigious gubernatorial compositions are still remembered by a suffering world. Once, sitting by James Parton, he observed, tersely, "The best writing distils from the pen drop by drop." Sheridan once said to a friend who had a fatal facility with his pen, "Your easy writing makes terribly hard reading."

I would not, for the world, have the young men of the country believe that in writing speed is all. One should not be ambitious to write or do anything else any faster than he can do it well. It was Henry Wadsworth Longfellow who once gave this excellent advice to a young author: "Always write your best; remember, your best."

Wilkie Collins' book, "Heart and Science," so mercilessly excited him that he says he continued writing week after week without a day's interval or rest. "Rest was impossible. I made a desperate effort; rushed to the sea; went sailing and fishing, and was writing my book all the time 'in my head,' as the children say. The one wise course to take was to go back to my desk and empty my head, and then rest. My nerves are too much shaken for travelling. An armchair and a cigar, and a hundred and fiftieth reading of the glorious Walter Scott,—King, Emperor, and President of Novelists,—there is the regimen that is doing me good. All the other novel-writers I can read while I am at work myself. If I only look at the 'Antiquary' or 'Old Mortality,' I am crushed by the sense of my own littleness, and there is no work possible for me on that day."

Wilkie Collins made the skeleton of a novel and then proceeded to put the flesh on it. He was the greatest plotter that ever lived. He created no truly great characters, but his stories are full of thrilling pitfalls, into which the reader lunges.

Hugo Rosenthal-Bonin, the editor of *Ueber Land und Meer* (one of the most prominent of the illustrated journals of Germany), and the author of many successful novels, writes for two hours immediately after breakfast and dinner, and within this time regularly composes five columns of reading matter, never rewriting a single line. While writing, he has a piece of looking-glass lying beside him, the glittering of which (so he says) stimulates and refreshes

him; he also smokes cigars during working hours, otherwise seldom. He works with ease and rapidity, just as if he were speaking. Therefore, a novel of ten columns is finished within two days, and a romance of one hundred columns completed in less than a month. He has never written more than one long novel a year, his literary productiveness being limited by his duties as editor.

Mrs. Helen Hunt Jackson ("H. H.") composed with great rapidity, writing on large sheets of yellow post-office paper, eschewing pen and ink, and insisting that a lead pencil alone could keep pace with the swiftness of her thoughts.

Emil Ritterhaus, the poet who "dwells by the castled Rhine," turns out lyrical poems without any difficulty, and with wonderful rapidity. That poem of his which was read at the consecration of the cathedral at Cologne was composed in a few minutes, in the presence of his friend, Ferdinand Hiller, not a line being changed afterward. When in the proper mood, many a speech of his turns involuntarily into an improvisation. Verses he pens in person, but dictates all other literary work. When at work, a good Havana cigar, a glass of first-class wine, or a cup of strong coffee are agreeable to him. When dictating, he is in the habit of lying on a sofa or walking slowly up and down the room. The poet makes it a rule not to write unless disposed to.

Influence Upon Writers of Time and Place.

Douglas Jerrold worked at a desk without a speck upon it, using an ink-stand in a marble shell clear of all litter, his little dog at his feet. If a comedy was in progress, he would now and then walk rapidly up and down the room, talking wildly to himself. "If it be *Punch* copy, you shall hear him laugh presently as he hits upon a droll bit." And then, abruptly, the pen would be put down, and the author would pass out into the garden, and pluck a hawthorn leaf, and go nibbling it, and thinking, down the side walks; then "in again, and vehemently to work," unrolling the thought that had come to him along little blue slips of paper, in letters smaller than the type in which they were presently to be set.

Dr. Channing had the same habit of taking

a turn in the garden, during which he was a study for the calm concentration of his look, and the deliberateness of his step: "Calmer, brighter, in a few moments he is seated again at his table, and his rapidly flying pen shows how full is the current of his thoughts."

Jane Taylor, who commenced authorship as a very little girl indeed, and who used at that early stage to compose tales and dramas while whipping a top, — committing them to paper at the close of that exercise, — was in the habit, her brother Isaac tells us, of rambling for half an hour after breakfast, "to seek that pitch of excitement without which she never took up the pen."

Of Dickens we are told that "some quaint little bronze figures on his desk were as much needed for the easy flow of his writing as blue ink or quill pens."

Emanuel Kant, the philosopher, lived the life of a student; in fact, his life may be taken as the type of that of a scholar. Kant, like Balzac, gave a daily dinner-party; but when his guests were gone he took a walk in the country instead of seeking broken slumbers in a state of hunger. He came home at twilight, and read from candle-light till bedtime at ten. He arose punctually at five, and, over one cup of tea and part of a pipe, laid out his plan of work for the day. At seven he lectured, and wrote till dinner-time at about one. The regularity of his life was automatic. He regulated his diet with the care of a physician. During the blind-man's holiday between his walk and candle-light he sat down to think in twilight fashion; and while thus engaged, he always placed himself so that his eyes might fall on a certain old tower. This old tower became so necessary to his thoughts that, when some poplar trees grew up and hid it from his sight, he found himself unable to think at all, until, at his earnest request, the trees were cropped and the tower brought into sight again.

Kant's old tower recalls Buffam's incapability of thinking to good purpose except in full dress, and with his hair in such elaborate order that, by way of external stimulus to his brain, he had a hairdresser to interrupt his work twice, or, when very busy, thrice a day. To Aubrey we owe this account of Prynne's method of study: "He wore a long quilt cap, which

came two or three inches at least over his eyes, which served him as an umbrella to defend his eyes from the light. About every three hours his man was to bring him a roll and a pot of ale, to refocillate his wasted spirits; so he studied and drank and munched some bread; and this maintained him till night, and then he made a good supper." Refocillation is a favorite resource—whatever the word may be—with authors not a few. Addison, with his bottle of wine at each end of the long gallery at Holland House,—and Schiller, with his flask of old Rhenish and his coffee laced with old Cognac, at three in the morning,—occur to the memory at once. Shelley attempted to ruin his digestion by way of exciting the brain by continually munching bread while composing.

The venerable Leopold von Ranke, one of the most eminent historians of the age, composed in the night as well as in the daytime, and even when more than ninety years of age sometimes worked till midnight. He had two secretaries. He was a late riser, as most night-workers are. After getting up late, he worked with his first amanuensis from ten in the morning until three in the afternoon. Thereupon, if the weather was fine, he took a walk in the public promenades, always accompanied by a servant. He dined at five P. M., and then dictated to his second secretary from six in the evening until, occasionally, one or two o'clock in the morning. He neither took stimulants nor smoked. He never worked when disinclined; in fact, the disinclination to write was foreign to his nature. He always felt like writing.

J. T. Trowbridge, the author of "The Vagabonds," always prefers daytime to night for literary work, but sometimes can compose verse only at night. He always sets out with a tolerably distinct outline in his mind—rarely on paper—of what he intends to write. But the filling in he leaves to the suggestions of thought in the hour of composition, and often gets on to currents which carry him into unexpected by-ways. He seldom begins a story that he would not like to make twice as long as his contract allows, so many incidents and combinations suggest themselves as he goes on. He never works under the influence of stimulants. Verse he never composes with a pen in his

hand. It is seldom that he can compose any that is in the least satisfactory to himself; when he can, he walks in pleasant places, if the weather is favorable, or lounges on rocks or banks, or in the woods; or he lies on a sofa in a dimly-lighted room at night; or in bed, where he elaborates his lines, which he retains in his memory, to be written down at the first convenient season. He rarely puts pen to paper at night. When fairly launched in a prose composition, he writes from two to four hours a day, seldom five. The mere act of writing is a sad drudgery to him, and he often has to force himself to begin. Then he usually forgets the drudgery in the interest excited by the development of his thoughts. But he never thinks it wise to continue writing when he cannot do so with pleasure and ease. In his younger days he used to think he must do a certain amount of work each day, whether he felt like it or not. But now he is of the opinion that it might have been better for his readers and himself if he had been governed more by his moods.

Robert Hamerling, the Austrian novelist, loves to compose in bed in the early hours of morning. He is an expert stenographer, and, therefore, makes use of stenography when committing his thoughts to paper, thereby saving much time, which, of course, facilitates the mental labor. For this reason, he can also correct and improve the manuscript, as well as make additions to the same, with the least waste of time. He does not require refreshments at work, and writes with remarkable facility. The duration of the time which he spends at the writing-desk depends upon the state of his health and the temper of his mind.

Frederick Friedrich, well known in Germany as a novelist, prefers the evening for literary work, although he conceives the plots of his stories in the course of the day. He asserts that the nerves are more stimulated and that the imagination is more lively in the evening. His novels are sent to the printer as they were written; he hardly ever makes corrections. While at work Friedrich fills the air with cigar smoke and drinks several glasses of Rhine-wine. He must be alone, and the writing-table must be in the customary order; any new arrangement of the things on the same makes the author

feel uncomfortable, so much so at times that it prevents him from writing. He is a taciturn writer, and composes with great speed. He never writes unless inclined to, and is governed by moods. Therefore, a week or two sometimes passes before he pens a line, being in perfect health, but lacking the inclination to perform intellectual work. He never devotes more than three hours a day to literary labor, generally less than that, but spends almost all day in thinking over the plots of his novels. He never begins a story until it is elaborated in his mind, and never makes notes. When once engaged in the composition of a novel, he keeps at it day after day until it is finished. While writing his own he is unable to read the novels of anybody else.

Celia Thaxter evolves her graceful verses in the daytime. She sometimes makes a skeleton of her work first, not always; and very often forces herself to work in spite of disinclination.

The Austrian poet, Rudolph Baumbach, is partial to daylight, and never writes at night. He always makes an outline of his work before beginning in good earnest. When meditating on his poems he walks up and down the room, but gives the open air the preference. He likes much light; when the sun does not shine his work does not progress favorably. In the evening he lights up his room by a large number of candles. Literary labor is pleasure to him when the weather is fine, but it is extremely hard when clouds shut out the sunlight. The poet has no fixed rule as regards working-hours; sometimes he exerts himself a great deal for weeks, and then again he does not write at all for a long time.

Otto von Leixner, German historian, poet, novelist, and essayist, composes prose, which requires logical thinking, in the daytime, but does poetical work, which taxes principally the imagination, in the evening. He makes a skeleton of all critical and scientific compositions, indeed of all essays, and then writes out the "copy" for the press, seldom making alterations. But he files away at poems from time to time till he thinks them fit for publication. He is a smoker, but does not smoke when at work. Whether promenading the shady walks of a wood or perambulating the dusty streets of the city, Leixner constantly thinks about the works he has in hand. Literary work has no

difficulties for this author; he penned one of his poems, "The Vision," consisting of five hundred and eighty lines, in three hours and a half and sent it to the printer as it was originally written; and he composed the novel "Adja," thirty-nine and one-half octavo pages in print, in nine hours. But he often meditates over the topics which go to make up his novels, etc., for years and years until he has considered them from every standpoint. After composition he often locks up his manuscript in his desk for half a year, until it is almost forgotten, when he takes it from its place of concealment and examines it carefully to detect possible errors. If at such an examination the work does not prove satisfactory to him, he throws it into the stove. Being the editor of a journal of fiction, he is often compelled to work whether he wants to or not. From 1869 to 1870 he worked sixteen hours a day; from 1877 till 1882 about thirteen hours, even Sundays; at present he spends from ten to eleven hours every day at the writing-table, unless kept from work by visitors. He retains his health by taking a daily walk, rain or shine, to which he devotes two hours. Leixner lives a very temperate life and hardly ever imbibes stimulating drinks.

The greatest of all Southern poets, Paul Hamilton Hayne, had no particular time for composition, writing as often in the daytime as at night. Whether he made an outline or skeleton of his work first, depended upon the nature of the poem. When the piece was elaborate, he outlined it, and subsequently filled up, much as a painter would do. The poet used to smoke a great deal in composing, but was obliged to abandon tobacco, having had attacks of hemorrhage. He used tea instead of coffee sometimes, but took little even of that. Wine he did not use. Hayne composed best when walking, or riding upon horseback, and as he was seldom without a book in hand, wrote a great deal on the fly-leaves of any volume he chanced to be consulting. He frequently had to force himself to work when he did not have an inclination to do so. *Dr. H. Erichsen.*

DETROIT, Mich.

MRS. SARA H. HENTON.

Among the Southern women who are deservedly popular as writers on home and heart topics

is Mrs. Sara H. Henton, whose name is favorably and familiarly known to all readers of household journals. She has a gift for just what she does, and she uses it well. This estimable lady is a Kentuckian, being born and reared near Shelbyville, Kentucky, a well-known centre of refinement and learning, and she takes a laudable pride in devoting much of her time and talent to writing of her state and its distinguished people. Her interesting sketches, "Kentucky Beauties," "The Descendants of Henry Clay," and "The Greatest Living Belle," published in various leading journals, have attracted deserved attention. While Mrs. Henton contributes to a number of papers, her best work perhaps has been done for *Bachelor's Syndicate*, which company, with *The American Association*, is so eager for her contributions that but little time is left her for other publications. Mrs. Henton is a lady of delicate organization, a pronounced blonde, with pale, golden hair and dark blue eyes. She possesses the enviable qualities and graces that make her home the centre of attraction, the brightness and vivacity of her face and fascination of her manner putting every one in her presence at ease, and rendering her alike charming to all. She is devoted and loyal to her work, and is a hard student, being ever intent on self-improvement. Aside from the literary work, to which so much time is given, this energetic woman finds leisure to devote to music and art, in both of which she is proficient. Being in the prime of life, and daily growing more enthusiastic in the pursuit of her chosen calling, it is possible that Mrs. Henton's best work yet lies before her.

Eliza R. Parker.

BEDFORD, Ky.

SUCCESS IN LITERATURE.

To succeed in Literature, one must nowadays first succeed in something else. The publishers assure us that the public does not care to buy books by mere literary men, whose aim is simply to amuse or instruct it. The public in these days is emancipated from the old traditions, which, a hundred years ago, made a knowledge and appreciation of good literature essential to a man in any sort of social station. The old literary orthodoxy was often a great farce; but looking over the publishers' book lists to-day—the supposititious mirrors of the public taste—the

emancipated public of to-day is evidently a great fool.

The day of literary men in literature is over. It is now the triumphal hour of the imbecile millionaire, the rich society woman, who has nerves, hysteria, a vast deal of impudence, a store of proverbial platitude, and a continual itch for notoriety; actresses who have more gowns than brains; English lords and ladies, and some asinine royalties. Every fool in the universe, with money enough to pay a printer's bill, has published a book. We all deplore the excessive literary production of the age, but, I think, as far as England and America are concerned, at least, that if railroad kings, the royalties, the aristocracy, and the dollarocracy would only consent to return to their own little drama of tomfoolery again there would not be much reason to complain of an over-production in literature, though the ranks of professional literary workers are undoubtedly much crowded. It has always been so, and say what we will about Grub Street being a thing of the past, we shall always have Grub Street with us,—though the conditions may not be so harrassing and so pitiable as they were in Dr. Johnson's time,—and more than one-half of the workers in literature and journalism in any generation will belong to Grub Street. Some critics will say that Dodsley's is in the heart of it,—and I confess it is not such a baseless fabrication as it may at first appear.

Amid all the virtuous indignation about the trespass committed upon the rights of honest mechanics and laborers, the poor, intellectual serf is forgotten. I have not heard of any agitation to afford relief to the struggling artists and literary men, whose bread is either taken away altogether, or made doubly hard to obtain, on account of the enormous competition of the wealthy dilettanti. In England, publishers derive a large portion, if not the greater portion, of their revenue, not from the sale of their publications, but from the unconquerable aspirations of their aristocratic clients. There are hundreds of ponderous pads of fiction, essays, and poetry published by London firms every year, for which they have not paid a cent. In fact, the authors have defrayed the whole cost of composition, printing, binding, and publishing, and a handsome commission into the bargain to recoup the publishers for superintending the works as they go through the press. I have, I confess, not read many of these effusions. I think life is altogether too short. But in looking down the literary announcements in the columns of the London newspapers, I always feel an awful oppression steal over me. The columns positively bristle with stars and garters. We read such advertisements as these: "Alone on Hampstead

Heath," by Lord Scatterbrains, K. C. M. G., author of "Ode to a Winkle," "Two Hearts and One Income," "Stranded in Seven Dials," etc.; "Lord Bangor's Forty-second Cousin; or, The Blood-stained Will," by the Hon. Lady Amelia Vere de Vere, author of "The Earl's Heir," "Our Impoverished Noblesse," etc.; "The Confessions of a Crowned Head," by the Duke of Camberwell, author of "Aubrey Claude's Third Wife," "Lord and Lady Hammersmith," "Love and Lucre"; and "Venice, and Other Poems," by the Marchioness of Consoigné, author of "Sonnets to My Own Marquis," "Ode to a Pansy Unfolding," "Petrarch, Revised for Family Reading," "Ode to Luna, and the Lunacy Commissioners."

It will be observed that these nobilities—they are not by any means notabilities—are very prolific. The general public is probably, in many cases, not aware of half these works,—they go to fill the shelves of that great literary censor, Mr. Mudie. The circulation of these wondrous printed things is confined to a great distribution of complimentary copies. The authors have the satisfaction of seeing their works lying on their friends' drawing-room tables, and they themselves are spoken of in society as the distinguished author of such and such a book.

The noblesse has a perfect craze for scribbling nowadays, and as our own indispensable dollarocracy borrows all its notions of social prestige from the English aristocracy, a similar literature is springing up on this side of the Atlantic; indeed, it has already reached gigantic proportions.

We are told by the publishers that to-day is the day of "big things" in literature. The ordinary old-fashioned means of achieving success are no longer adequate. This means book-making, not writing. The "big things" are books by men who have become famous or notorious—more often the latter—in finance, in politics, or on the turf, whose names, publishers say, attract the attention and pique the curiosity of the public. It is not big things by big literary men, but little things by men with big names, and usually an amazing illiteracy. To this new principle of the publisher's business we are indebted for that mixture of brazen vulgarity and nonsense, "Society as I Have Found It," by that prince of cook-shops, Ward McAllister. To this irrepressible curiosity of the public we owe the happiness we have derived from a perusal of "Leaves from my Life in the Highlands," by Her Majesty, Queen Victoria of England; and also "More Leaves from my Life in the Highlands," and again "More Leaves." It is to this also we may attribute the almost hysterical pleasure with

which we were enabled to read "Prince George's Diary"; also the effusions of that young person, with such a gift for self-advertisement, the Queen of Roumania. "Carmen Sylva" is so prolific that one hardly escapes dreaming of her. I, for one, confess that if she would only reign a little more and write a little less, I should be duly thankful. The Marquis of Lorne, too, inflicts himself upon us in the leading English, and I regret to say American, reviews regularly every month, and latterly he has surpassed himself in the production of a couple of novels, which rival his sweet mother-in-law's diaries as monumental balderdash. Lord Randolph Churchill has become a correspondent for a London newspaper upon a very big salary, and his efforts in journalism distinctly prove, that though he may be a good speaker in the House of Commons, he scarcely mastered the rudimentary elements of English composition while preparing himself for his great career at school. The late Admiral Porter's novels found publishers because he was Admiral Porter, and for no other reason. William Waldorf Astor is a novelist too, and of course, being the head of the Astor family, he experiences no difficulty in finding a publisher, and perhaps less difficulty in obtaining the highest praise in the press. If James G. Blaine could be persuaded to write a novel, and draw his hero sitting before his own mirror, he would probably realize a million dollars for it. All the world would like to know what Mr. Blaine thinks of Mr. Blaine. Chauncey M. Depew, I am told, was offered a salary of one hundred thousand dollars a year for five years, if he would write editorials for one of the big newspapers. He probably thought his stock of old stories would not last as long as the contract demanded. He declined the offer. Senator Ingalls is credited with having refused two offers—one of ten thousand dollars a year, and another of twenty-five thousand dollars a year, to furnish three editorials a month to one of the leading periodicals of the country. This is probably a fish story, for it is said that Mr. Ingalls lives principally upon his literary work, now that he is not busy at Washington, and a man who lives by literary work would not be likely to refuse twenty-five thousand dollars a year for thirty-six flimsy editorials. There are other rumors that Mr. Thomas Platt and Mr. Thomas B. Reed, and Mrs. Harrison, the President's wife, are also pestered with invitations to become literary lights. Mrs. P. T. Barnum has already made her début in literature, and a startling début it was. In Boston, every woman you meet in society has written at least one novel, and in New York the percentage is about every other woman.

The innovation of social prestige in literature is one of the most ludicrous and deplorable developments of our so-called civilization. When we have books advertised as being written by "a lady of society," or as having "cost ten thousand dollars," literature is in a pretty bad way, and it is time for the regular army of professional writers to get out of literature and learn the art of bricklaying.—*Walter Blackburn Hart, in New England Magazine.*

THE CREATIVE FACULTY IN WOMEN.

A pungent article by Molly Elliot Seawell, on "The Absence of the Creative Faculty in Women," is published in the holiday number of the *Critic*. She asserts, as a general proposition, "that no woman has ever done anything in the intellectual world which has had the germ of immortality"; in other words, that the power to create is entirely lacking in women, or still more generally, that genius has been totally denied the female sex. Miss Seawell declares that, while Sappho was the greatest lyric poet among the Greeks, and was pronounced by Ovid to be immortal, yet her work has "withered away, and nothing practically survives. Not a page has come down to us, except about forty lines, which do not, by any means, bear out the immense reputation of the author. These lines could easily be surpassed, and have very often been surpassed, by Miss Edith Thomas or Miss Helen Gray Cone."

Says Miss Seawell: "Perhaps the greatest praise from the greatest men that was ever bestowed on any woman, except Sappho, was lavished on Jane Austen; and it is not extravagant to say that, if the whole intellectual order is to be reversed, she is the woman to do it. Macaulay, in sober earnest, wrote of her that Shakespeare had no equal and no second, but that Miss Austen did some things in the master's manner. Sir Walter Scott declared that she had certain great literary qualities which he had never seen equalled, and he read 'Pride and Prejudice' three times running. Mr. Andrew Lang, in his 'Letters to Dead Authors,' places her among the immortals, because, as he quaintly says, her admirers 'are apt somewhat to abate the rule, or shake off the habit of temperate laudation.' She is the only woman that Mr. Lang puts among the immortals. But not even Jane Austen has that universality which is the mark of genius. Cultivated minds adore her—the *Athenæum* declares that to like her is a test of true literary taste; but she is caviare to the general. One needs a certain quality of enlightenment, a certain perception of the most delicate and subtle humor, to appreciate this ex-

quisite writer. But the great masters can make themselves intelligible to all kinds and conditions of men. The most absolute lout, as well as the best trained intelligence, can understand the fury of Othello's jealousy, the madness of Macbeth's remorse. One does not need to be well-read in the best literature to laugh at Becky Sharp hiding the pie in the bed, and Don Quixote tilting at the windmill. So that, regretfully it must be said, not even Jane Austen can withstand this universal law that no woman can create—that she can only describe, and hence her work must always lack the catholicity of genius.

"And this catholicity is indicated by the way in which the types created by men become part and parcel of the every-day knowledge of the world, and their words become part and parcel of the vernacular. Every one who can read and write knows something of Becky, and Othello, and Mr. Micawber, and Ivanhoe, and Robinson Crusoe, and Pantagruel, and Don Quixote, and Faust, and all the other creations. But no woman has contributed to this glorious company of immortals. Spring Jane Bennett upon an unsuspecting crowd, and how many persons ever heard of her? Quote Tito, and how many fairly educated persons can place him? But Tito is never quoted. Just as no woman has ever created a character that stands for a type, so no woman has ever uttered a sentence that has passed into the common currency of conversation, like Sancho Panza's 'Blessed be the man who first invented sleep,' Macaulay's celebrated illustration about the traveller from New Zealand, and thousands of others. In order to utter words and ideas that are so apt that the whole world appropriates them, genius must exist in the utterer, and no woman has ever written or spoken a word that has become immortal. Every civilized language is full of these phrases, some of which were made yesterday, and some were made thousands of years ago. But they were all, without exception, made by men."

Yet, Miss Seawell does not deny that what women have done in literature is good, and unique, and delightful. George Eliot, George Sand, Jane Austen, Charlotte Brontë, all have shown a certain power; but while it may be beautiful, and charming, and inspiring, it is nevertheless neither universal nor immortal.

"In considering this peculiar and universal lack of creative power in all women, the highest, intellectually, as well as the lowest," Miss Seawell says in conclusion, "one is brought to the conclusion that women left to themselves would have remained in utter barbarism, owing to their inability to create

anything whatever. They could supply the civilization of the emotions, but men had to supply material civilization; and a law as inexorable as the law of gravity shuts women out from the highest forms of intellectual life. As with every other woman's gift, her intellect seems given in to please, and that it can both please and improve is as true as it is good. In so far as her mental make-up goes, she seems to have a wider field for it than man—for while a man seldom follows but one calling, and that requires only one set of ideas, woman has a kingdom within four walls, where there is ample scope for the very highest intellectual effort. To be the home-maker requires the first order of executive ability, and there is no grace, gift, or accomplishment which has not its place and its beauty in a home. Nowhere on earth is the enormous superiority of a sensible woman over a silly one so sharply defined as in the widely different homes they make. There is a common delusion that brilliant women are for society, while a very ordinary woman can fill the domestic rôle. Never was there a more grotesque fallacy. Society is a republic where there is no more chance for the display of great talents than for the display of great virtues. A commonplace woman, if she be well-dressed and presentable, is at her best in society. But it is at home, it is in the midst of wasted opportunities, of unused possibilities, that a commonplace woman becomes unendurable. It takes a woman of superior intelligence to see that the conduct of an agreeable home for herself or for somebody else, is a much larger, freer, fuller life, than entering into the unequal contest outside with men. What is more charming than the home life of a sensible and refined woman? And what is more wearisome than the 'demnition grind,' as Mr. Mantalini says, of the domestic life of a silly woman, no matter how refined she may be; for a woman may be perfectly refined and as stupid as an old cow besides. An intelligent woman, who is well balanced, realizes that the theatre of her life is at home. Nor is she forbidden excursions— but she must always return to her nest; she is incapable of those boundless flights that only the wing of genius can sustain.

"It is unpopular, and worse, it is unfashionable, to say that women are naturally, radically, and mentally inferior to men intellectually. The old cry is raised: Women have not had a fair chance. But if the sexes were originally created equal, when did they first begin to differentiate? And if they lost their equality in the dawn of the ages, what chance have they now of regaining it? Educate them, we are told. But the education of men proceeds as

fast as the education of women, and ensures that men will keep the long lead they have gained, besides being originally of stronger fibre.

"It would seem that the old-fashioned view is right—men have the power of the intellect, women of the emotions. It is not meant at all that women have no intellect and men no emotions, but only that in the normal man, his intellect is superior to his emotions, and in the normal woman, her emotions are superior to her intellect. Nor is it meant that the ideal man shall not be strong emotionally, nor that the ideal woman shall not be gifted intellectually; merely the relative order of their gifts is in question.

"In conclusion: what women can do in art and literature has not only its beauty, but its usefulness—it has not, however, any essentiality. If all that women have ever done in those two branches of human endeavor were swept out of existence, the world would not lose a single masterpiece. To crib Lord Tennyson's metaphor about the sunlight and the moonlight, the books and pictures and artistic performances of women have the value that the moonlight has—tenderly beautiful, unmatched and unique. If, however, the moon's light were forever quenched, it would make no perceptible difference in the destiny of the human race. But man's intellect is the sun—the great life-giver. Put out the sun, and all humanity would cease to exist.

"It therefore behooves women who attempt intellectual achievements to be extremely modest, and to forbear claiming for their sex an equal place, or even a very high place. This view will be politely controverted by men, but secretly they all know it is true, and will wink knowingly at each other, while civilly disagreeing with it. A woman becomes inevitably ridiculous when she imagines that she has a purely intellectual mission. All the abstract intellect in the world is in the possession of the ruthless masculine sex."

LITERARY IMPOSTORS.

The move of the Harpers to ferret out and punish the dealers of second-hand literary goods who impose upon the editors of their periodicals is a commendable one. The practice of selling stories, articles, and poems twice has become far more general than it may be supposed. There are two or three writers in this country, whose names I could give, who are absolutely living to-day on their brain work of years ago. It is impossible for any editor to know or remember everything that has been published, and upon this fact these men rely. Only recently, two cases of this sort hap-

pened to come under my personal observation. Another case was that of a clever writer who sells his work to two periodicals at the same time.

Of course, this sort of thing is of short duration, as exposure is not long in coming. When exposure comes it is generally the wife and family of the offender who are brought forward to win the editor's leniency, and before woman's tears even an editor is not fire-proof. Now that the Harpers have concluded, however, to punish all offenders, and publicly expose them, the precedent has been set, and other periodicals will not be slow to follow, and henceforth the traffic in selling second-hand literary wares to the editors of weeklies and magazines will, I think, diminish. It will be the safest plan, for the offenders, at least, and the public will be spared the mortification of having old material presented to them in a new guise. — *Epoch*.

HOLMES TO WHITTIER.

Among many other tributes to Whittier on his eighty-fourth birthday anniversary was the following from Dr. Holmes: —

My Dear Whittier: I congratulate you on having climbed another glacier and crossed another crevasse in your ascent of the white summit which already begins to see the morning twilight of the coming century. A life so well filled as yours has been cannot be too long for your fellow men and women. In their affections you are secure, whether you are with them here or near them in some higher life than theirs. I hope your years have not become a burden, so that you are tired of living. At our age we must live chiefly in the past — happy is he who has a past like yours to look back upon.

It is one of the felicitous incidents — I will not say accidents — of my life that the lapse of time has brought us very near together, so that I frequently find myself honored by seeing my name mentioned in near connection with your own. We are lonely, very lonely, in these last years. The image which I have used before this in writing to you recurs once more to my thought. We were on deck together as we began the voyage of life two generations ago. A whole generation passed, and the succeeding one found us in the cabin, with a goodly company of coevals. Then the craft which held us began going to pieces, until a few of us were left on the raft pieced together of its fragments. And now the raft has at last parted, and you and I are left clinging to the solitary spar, which is all that still remains afloat of the sunken vessel.

I have just been looking over the headstones in Mr. Griswold's cemetery entitled "The Poets and

Poetry of America." In that venerable receptacle, just completing its half century of existence, — for the date of the edition before me is 1842, — I find the names of John Greenleaf Whittier and Oliver Wendell Holmes next each other, in their due order, as they should be. All around are the names of the dead — too often of forgotten dead. Three which I see there are still among those of the living: Mr. John Osborn Sargent, who makes Horace his own by faithful study, and ours by scholarly translation; Isaac McLellan, who was writing in 1830, and whose last work is dated 1886; and Christopher P. Cranch, whose poetical gift has too rarely found expression.

Of these many dead, you are the most venerated, revered, and beloved survivor; of these few living, the most honored representative. Long may it be before you leave a world where your influence has been so beneficent, where your example has been such inspiration, where you are so truly loved, and where your presence is a perpetual benediction.

Always affectionately yours,

OLIVER WENDELL HOLMES.

LORD LYTTON'S PLAGIARISMS.

The *New York Sun* publishes an article on Lord Lytton's numerous plagiarisms. "Mere plagiarism, however," it says, "is not the only literary offence of which Owen Meredith has been guilty. Many years ago he held a diplomatic position in one of the Danubian principalities. On his return to England he published a volume entitled 'Serbski Pesme.' It consisted of a series of poems, ostensibly paraphrases from ancient Servian originals. Here it was not his originality which Mr. Lytton called on the world to admire, but his learning, his indefatigable research, his sympathy with the unrecognized masterpieces of the world's literature. At first the English public took him at his word. But it was soon whispered that the very title of his book betrayed an extraordinary ignorance of the Servian language. It had been constructed on the same principle that the philosopher in 'Pickwick' found so useful when he conceived his essay on Chinese metaphysics — the poet had evidently hunted up in a dictionary the word for *Servian* and the word for *poems*, and joined them together without any regard for the grammatical laws of number and case. And it was eventually proved that the poems were not Servian at all, nor translations from the Servian, nor even original. They had been boldly taken, without acknowledgment, from an impudent literary mystification which no less a man than Prosper Mérimée had foisted on the French public."

THE AUTHOR.

WM. H. HILLS, . . . EDITOR AND PUBLISHER.

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ciation of writers in the United States. He will be obliged if secretaries or members of such organizations will communicate with him, or if subscribers for the magazine will send to him the names and addresses of club secretaries or other officers.

Friends of THE WRITER and THE AUTHOR will confer a favor if they will inquire at public libraries whether complete sets of the two magazines are on file. Both magazines are educational in their character, and, being the only magazines in the world devoted solely to explaining the practical details of literary work, they should be found in every public library in the United States. The number of complete sets available is rapidly diminishing, and librarians will find it impossible to get complete files unless they order soon. *Unbound* sets can no longer be supplied.

"THE AUTHOR" FOR 1892.

In consequence of the rule that all subscriptions for THE AUTHOR must begin with the January number and be for one year, all the subscriptions for the magazine expire with this number. It is, of course, important to the publisher to have renewals sent in as soon as possible, in order that he may make his plans for the coming year. THE AUTHOR has proved its usefulness during the past two years, and it has received support sufficient to warrant its continuance. At the same time it needs more subscribers, and its publisher hopes that nearly all of those who have taken the magazine this year will order its continuance. Friends of THE AUTHOR will confer a great favor if they will renew their own subscriptions promptly, and a greater one if they will send with their own renewals the names of one or more new subscribers.

THE AUTHOR next year will be made especially valuable and interesting by the series of articles on "Methods of Authors," which was begun in the November number. These articles, which are contributed by Dr. Erichsen, for many years literary editor of the *Detroit Commercial Advertiser*, will be found to be piquant and entertaining, as well as instructive, and every one who is interested in literary work

will want to have the series complete. New subscribers for 1892 will receive the last two numbers of THE AUTHOR for 1891 free, on request.

For the rest, THE AUTHOR next year will be as good as the support it receives shall enable its conductor to make it. The experience of the past two years justifies the belief that the plan and scope of the magazine are satisfactory to its readers, and it will be continued on the lines which have been laid down already. It should be remembered always that THE WRITER and THE AUTHOR are companion magazines, and that neither one is complete without the other. It is to be hoped, therefore, that those who subscribe for one will subscribe for both, and thus help the publisher to make both, as near as he can, what they ought to be.

IMPORTANT TO OLD SUBSCRIBERS.

With the exception of those that have been renewed, all subscriptions for THE AUTHOR expire with the current number. The publisher has adopted the rule of invariably stopping the magazine when subscriptions expire unless a renewal order and a remittance are received. This plan was adopted, contrary to the usual custom of the smaller magazines, because it seemed fairest and most likely to please the greater number of subscribers. Due notice of expiration of subscriptions is given both on the address label of the magazine and by circular notices mailed in the month when the subscription expires; and it seems fair to assume that if a subscriber does not renew his subscription before the next issue is mailed, he does not care to do so. Still, the publisher believes that many subscribers allow their subscriptions to lapse by inadvertence, or because they do not understand the rule. He hopes, therefore, that all whose subscriptions expire with this month's issue will notice the fact of expiration and renew promptly, so that the trouble and delay caused by taking names off the list unnecessarily may be avoided. Renewals of WRITER subscriptions and renewals of AUTHOR subscriptions may be sent together, even if they do not expire at the same time. Due credit will be given in every case. It is hoped that

every subscriber for THE WRITER will become also a subscriber for THE AUTHOR, and by so doing help both magazines to increased usefulness and success.

"THE WRITER" FOR DECEMBER.

THE WRITER for December has a frontispiece portrait and a biographical and critical sketch of Danske Dandridge, the West Virginia poetess, whose poems are familiar to readers of *Lippincott's*, the *Independent*, and other leading publications. An exhaustive review of Professor Barrett Wendell's book on "English Composition," being eight lectures delivered by him before the Lowell Institute, makes an interesting special article, which should be read by all writers. A scholarly article on "An Indeterminate Pronoun" combats the assertion of a contributor to the *Atlantic Monthly*, that the language needs a new personal pronoun of the singular number, common gender. "The Indenting of Sonnets," "Are Literary Women Unpractical?" and "The Domestic Happiness of Literary People" are titles of the other articles in this number. The draft of a petition to be signed by the working writers of the country, and then to be formally submitted to Congress, in favor of the reduction of the postage on authors' manuscripts, is also printed, together with an editorial setting forth the purposes of THE WRITER in behalf of this necessary legislation. The departments, as always, are full of interest.

BOOKS RECEIVED.

THE STORY OF INCA ROCCA, AND OTHER SHORT POEMS. By Chauncey Thomas. 118 pp. Cloth. Boston: Dammell & Upham. 1891.

REPUBLICA: A National Poem. By John Preston Campbell. 151 pp. Cloth. Philadelphia: J. B. Lippincott Company. 1891.

POEMS GRAVE AND GAY. By Albert E. S. Smythe. 134 pp. Cloth, \$1.00. Toronto: Imrie & Graham. 1891.

PERSONAL GOSSIP ABOUT WRITERS.

Beecher.—During the days of Mr. Beecher's courtship he wrote a few lines of verse, teeming with affection for his sweetheart. But the verses

were always kept sacred by Mrs. Beecher, as they have been to the present day. One day, however, Mr. and Mrs. Beecher were in the office of Robert Bonner, who was then conducting the *New York Ledger*. "Why don't you write a poem, Beecher?" said the publisher. "I will give you more for a poem than I have for 'Norwood.'" "He did once," admitted Mrs. Beecher, and Bonner's eyes sparkled. "Recite it for me, won't you, Mrs. Beecher?" he asked. But the eyes of the great preacher were riveted on his wife, and she knew that meant silence. "Come," said the persistent publisher, "I'll give \$5,000 if you will recite that poem for me," addressing Mrs. Beecher. "Why, it ran —" began the preacher's wife. "Eunice!" said Mr. Beecher. And, although Bonner offered to double the sum, he never got the poem. — *Epoch*.

Crim. — Miss Matt Crim, the new Southern novelist, is described as of the blonde type, slender of medium height, with bluish-gray eyes, manners naturally graceful, and a ready conversationalist, and sympathetic listener. She has "a soft, musical voice and a bright face full of merriment." — *Albany Journal*.

Daudet. — Few writers have passed through greater privations than has Alphonse Daudet, who, at the age of seventeen, reached Paris penniless and friendless. The only acquaintance he possessed in that immense city was his brother Ernest, who lived on a salary of \$4.50 per week. It was while sharing this miserable pittance that Daudet wrote his first book, a not very meritorious volume of poems. It served, however, to introduce him in the world of literature, and paved the way for his first engagement with the newspaper. He now makes about £5,000 out of every story he writes. — *Public Opinion*.

Dickens. — The letter from Dickens which follows was sold at an autograph sale recently in London. It was marked "Private," and bears the date April 3, 1844: —

"I fear the best reply I can give you, in acknowledging the receipt of your letter, will be rather unsatisfactory; but if it be so, it is not from any lack of interest on my part. It is in the nature of all literary beginners to be surrounded by unsatisfactory circumstances.

"You know the general character of your composition, and can tell by looking over the magazines for any single month to which periodical it seems to be the best adapted by its resemblance to the prevailing tone. You send it addressed to the editor, with a brief note, intimating that you wish it to be inserted at the usual rate of remuneration.

If you send it at the end of one month, you will most likely know its fate at the end of the next.

"A magazine sheet is sixteen pages. If you count the words in one page of the magazine you select, and then count the words in any page of your own writing, you can easily calculate what quantity of your manuscript will go to a sheet. When I say that a magazine sheet is sixteen pages, I mean sixteen pages of the magazine, of course.

"The rate of remuneration to unknown writers is six or eight guineas a sheet, usually. Many unknown writers write for nothing. I wrote for the next thing to it myself when I was one-and-twenty.

"The only additional piece of advice I can give you is, to concentrate on this pursuit all the patience that would be required in all the other pursuits of this world put together, and to lay your account with having it tried. I have no great private knowledge of any magazine, but I should say that *Ainsworth's*, *Hood's*, and *Bentley's* were the least likely to be already oppressed by a great accumulation of accepted contributions. So far as I know, your offering is pretty certain to be read and to receive courteous attention." — *New York Times*.

Edwards. — Amelia B. Edwards, traveller and author, says: "For twenty-five years I have rarely put out my lamp before two or three in the morning. Occasionally, when work presses, I remain at my desk the whole night. I am essentially a worker, and this I have been since my early girlhood. When I am asked what are my working hours, I reply: "All the time when I am not either sitting at meals, taking exercise, or sleeping; and this is literally true." — *Montreal Gazette*.

Hearn. — Lafcadio Hearn's family history is romantic. He is the son of an Irish father and a Greek mother, the former, a surgeon in the English army, having married a beautiful maiden of one of the Ionian isles where he chanced to be stationed. It was not without a struggle that the gallant young Irishman won his bride, for a jealous rival attacked him one night, wounding him almost mortally, so that for days Dr. Hearn hung between life and death. Two sons were born to the couple, Lafcadio being the younger. When still a child he was sent to relatives in Wales, and was educated with a view to his entering the Catholic priesthood, but when nearing manhood he realized that the Church was not his vocation. In a spirit of adventure he left home and came to this country, experiencing at first "the chance and change of a roving life." From the East, where his occupation had been proof-reading, he drifted to Cincinnati, and there as a reporter took his first steps

in journalism. Finding, after a stay of some duration, that the climate was too severe for his health, he went to New Orleans, and engaged in newspaper work there. Becoming greatly interested in Creole life and customs, he issued a book, "Gombo Zhebes," a compilation of quaint sayings and proverbs in the different Creole patois. He contributed translations from the French to the *New Orleans Democrat* before it was merged with the *Times*, and continued this work after the consolidation of the two papers into the *Times-Democrat*, when he became a member of the editorial staff. He was the first one on this side of the water to render Pierre Loti's works into English. He is, in fact, wonderfully gifted as a linguist, the acquisition of a foreign tongue being child's play to him. In person Mr. Hearn is short, even a little below medium height, but strongly built, his chest and shoulders being powerfully developed. Perhaps the latter fact may be partly due to his passion for swimming. He is a bold and tireless swimmer, and would often spend hours at a time in the waters of the Gulf of Mexico encircling Grand Isle, without fear of sharks or other sea monsters. He is a true child of the south and revels in sunlight. He has the use of but one eye, this disability being the result of an accident while playing ball in his childhood, and the other is exceedingly myopic, so that in reading he has to hold the page almost against it. He is dark, with a clear-cut, handsome profile, and altogether his is a face not easily forgotten. In dress he is rather unconventional, his favorite headgear being a sombrero of soft felt. Mr. Hearn is now about forty years old. He has a quick apprehension of the humorous side of every-day things, and it is a treat to hear him tell some odd story, in his peculiarly low and gentle voice. It is scarcely necessary to say that he is an ardent bibliophile. His becoming a Japanese by adoption is regarded by his friends as a singular freak. — *Providence Journal*.

Tennyson. — Albeit past his eighty-second birthday, Lord Tennyson's figure is only weakened, not broken, by age. His hair preserves much of its old, dark color, and, excepting in places, is hardly more than "sable-silvered." His spirit is as alert, his glance as keen and alight as ever. Though he does not rise upon our entrance, making no ceremony with friends, he leads at once an animated conversation. On the left side of his neck there lodges a small brown birth-mark, very characteristic, as if a drop of dark wine had dropped there and had stained the skin. His hands are manly and powerful in outline, but delicately and finely formed, as those of a poet should be. On his head, as a

protection from the caprices of the English weather, he wears a small black velvet cap. These precautions are the more necessary, because not long ago he was suffering sadly from rheumatism and bronchitis, which at one time, indeed, filled all his friends with anxiety, and became for weeks together a national concern. And a certain shadow overhangs the hospitable abode, moreover, from the illness of Lady Tennyson (always a great invalid, but recently and to-day in positive danger), so that our first inquiries are made in an anxious and subdued tone; nor does the conversation fairly commence till we have been a little reassured by the last report of the doctor. We shall not see the gentle face of the poet's wife to-day; she is hopelessly imprisoned in her room; but upon the wall hangs a charming portrait of her in oils, by Watts, and she is known far and wide in the neighborhood for her kindness of heart and graceful charities. — *Sir Edwin Arnold, in the Forum*.

Whittier. — In the "Life of William Garrison," by Archibald Grimke, the subject of the work thus tells of the début of the poet Whittier: "Going up stairs in my office one day, I observed a letter lying near the door, to my address, which, on opening, I found to contain an original piece of poetry for my paper, the *Free Press*. The ink was very pale, the hand-writing very small, and, having at that time a horror of newspaper original poetry — which has rather increased than diminished with the lapse of time — my first impulse was to tear it in pieces without reading it, the chances of rejection, after its perusal, being as ninety-nine to one . . . but summoning resolution to read it, I was equally surprised and gratified to find it above mediocrity, and so gave it a place in my journal. . . . As I was anxious to find out the writer, my post-rider one day divulged the secret, stating that he had dropped the letter in the manner described, and that it was written by a Quaker lad named Whittier, who was daily at work on the shoemaker's bench with hammer and lap-stone, at East Haverhill. Jumping into a vehicle, I lost no time in driving to see the youthful bard, who came into the room with shrinking diffidence, almost unable to speak, and blushing like a maiden. Giving him some words of encouragement, I addressed myself more particularly to his parents, and urged them with great earnestness to grant him every possible facility for the development of his remarkable genius." — *Buffalo Enquirer*.

LITERARY NEWS AND NOTES.

The manuscript of a new novel of adventure by Robert Louis Stevenson has arrived in London.

The scenes are laid in the South Seas. The title of the story is "The Beach of Falesa."

It is said that fully one-fifth of Pepys' Diary remains unpublished. A large part of this will appear in Mr. Wheatley's forthcoming new edition.

Mrs. Flora Haines Longhead, one of the Pacific coast writers, whose story of "The Man Who Was Guilty" was widely read several years ago, and who more recently, with "The Abandoned Claim," won the \$800 prize offered by a literary syndicate, has entered on the unique enterprise of becoming her own publisher of her own short stories. They are to be brought out, one a month, in small books, of heavy paper, with wide margins. The first, now in press, is "The Man from Nowhere."

Houghton, Mifflin, & Co. announce for immediate publication "Masterpieces of American Literature." This book contains complete masterpieces from the works of the following thirteen authors of America, with a biographical sketch of each: Longfellow, Whittier, Irving, Bryant, Hawthorne, Franklin, Holmes, Thoreau, O'Reilly, Lowell, Emerson, Everett, and Webster. "The Masterpieces" was recently adopted by the school board of the city of Boston by a unanimous vote, as a reading book in the highest classes of the grammar schools.

It is a curious fact that in stories in *Harper's*, *Scribner's*, and the *Century* magazines for December Novelists Harris, Allen, and Hibbard have each introduced a personage named Spurlock. It is an uncommon name, and that it should have been chosen by three writers for stories which appeared in print almost simultaneously is a very uncommon thing. But this is no more strange than the fact that in Mr. Howells' "An Imperative Duty," published in *Harper's Magazine*, and in a Southern story by Matt Crim, published in the *Century*, and in a book manuscript read by the Writer's Literary Bureau, all within one month, the heroine in each story had negro blood in her veins.

Mrs. Burnett is to be asked by certain New York women who move in literary circles to start a writers' club in New York similar to that which she is mothering in London.

A unique thing in books is promised to a chosen few. It is a book containing twenty-three poems by the late Francis S. Saltus, Jr., the erratic young genius who died a year or two ago. His father will have twenty-five copies published by a Parisian house at a cost of \$15,000, and will distribute them among the personal friends of his son and himself. The poems could not be brought out in this country. Each poem is written in a different language.

The remains of the poet, whose brother is Edgar Saltus, the novelist, lie in Sleepy Hollow Cemetery, at Tarrytown, N. Y., where a \$12,000 monument to his memory will be erected.

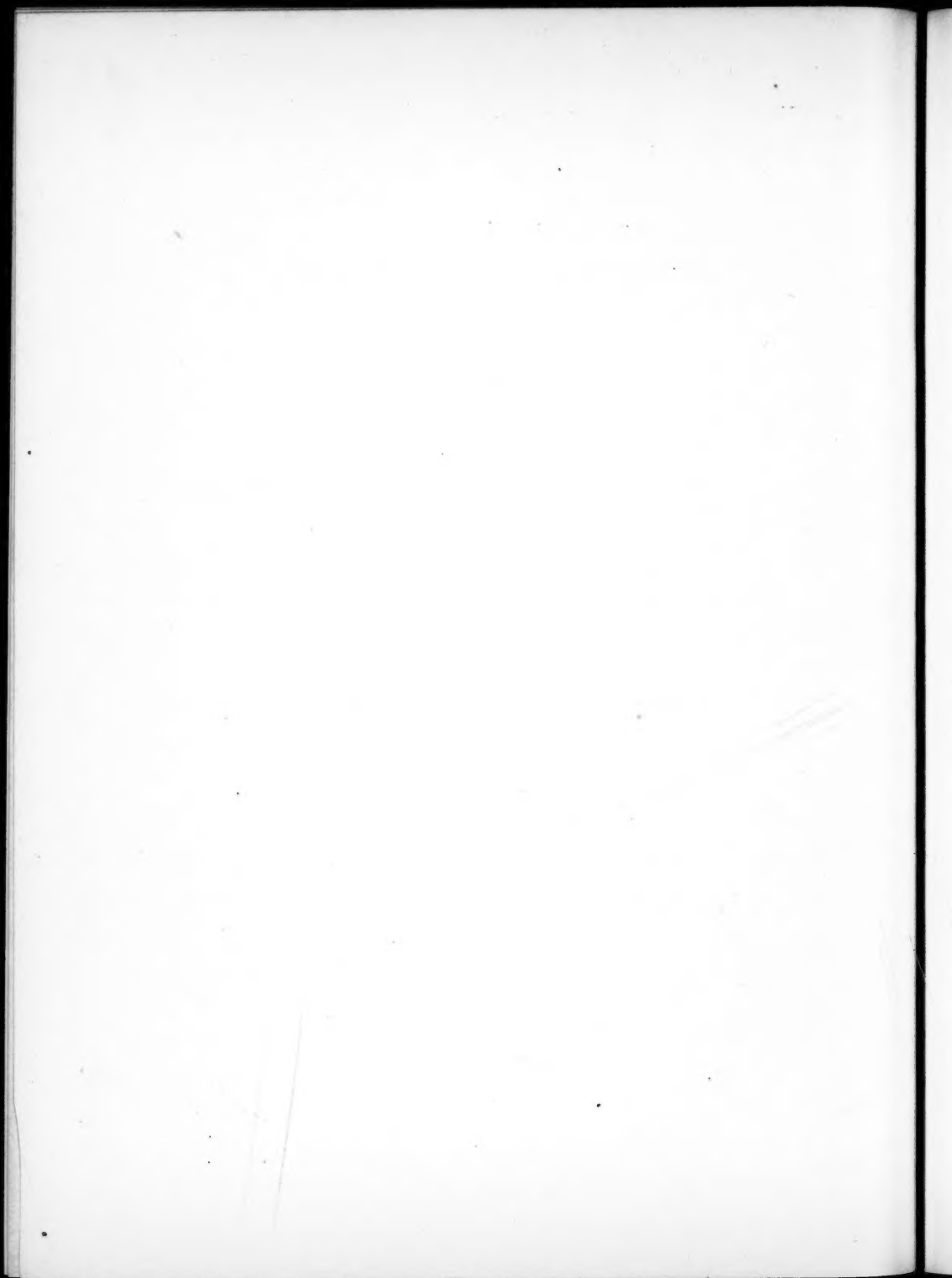
Mr. Howells' novel, "The Quality of Mercy," now running as a serial in a syndicate of American and English newspapers, is published in England under the title, "John Northwick, Defaulter." The reason for this is the fact that an English author, Richard Dowling, happens to have a novel which he has also called "The Quality of Mercy."

Mrs. Humphrey Ward's new book, "The History of David Grieve," will be published in January. She spent three years in writing it.

It was with undisguised regret that the literary world received from Dresden the news of the death in that city of Wolcott Balestier, the young American writer who collaborated with Kipling in writing a novel begun in the November *Century*. His literary work proved that he had ability of a high order, and gave promise of a successful career. Another story by him, entitled "Benefits Forgot," sent anonymously through Edmund Gosse to the editor of the *Century*, was pronounced by the latter one of the most powerful stories the magazine ever printed. It will appear later. Mr. Balestier was born in this country, December 13, 1861. His paternal ancestors were natives of Martinique, though his grandfather was an American by birth, and was one of the founders of the Century Club. He inherited literary talent, which he displayed at an early age. He studied for a year at Cornell, and during the summer of 1883 he studied law at the University of Virginia. He was connected for a short time with the *Rochester Post-Express*, and later he managed a small paper of his own in Rochester. His first story, "A Patent Philter," was published in the *New York Tribune* in 1884. The same year Lovell published his novel, "A Fair Deviser." He wrote a campaign life of James G. Blaine. Novels flowed from his pen. He went to London in 1888 as agent for the Lovells, and about a year ago he entered the publishing business on his own account, becoming junior member of the firm of Heinemann & Balestier, of London and Leipsic, publishers of the *Review of Reviews* in London, and the English Library on the Continent. The latter was started as a rival of Tauchnitz. It is believed that this business and his literary activity in other directions undermined his constitution, and made him a ready victim of disease. Mr. Howells says that had he lived a few more years, he would have achieved great fame.

COPYRIGHT LAWS
OF THE
UNITED STATES OF AMERICA
INCLUDING THE
ACT OF 1891

BOSTON MASS
F H GILSON COMPANY
Printers and Bookbinders
1891



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INTRODUCTION.

For over fifty years efforts have been made to change American copyright laws in such a manner as to recognize the right of an author to the product of his brain, even though he should not happen to be a citizen of the United States. A bill giving authors of all nationalities copyright protection in the United States, under certain conditions has just become a law, and will go into effect July 1st, 1891.

The complete laws on copyright of the United States will be found in this work, which is issued for the information of publishers and authors in general.

COPYRIGHT LAWS.

ESSENTIAL CHANGES IN COPYRIGHT LAWS.

The old copyright laws of the United States expressly stipulated that no citizen of a foreign state or nation should be protected by American copyright (Sec. 4971, p. 21). They made no restrictions as to the country where the printing of books covered by copyright should be done.

The new laws permit foreigners to take American copyright on the same basis as American citizens in two cases (Sec. 13, p. 21): First, when the nation of the foreigner permits copyright to American citizens on substantially the same basis as its own citizens; second, when the nation of the foreigner is a party to an international agreement providing for reciprocity in copyright, by the terms of which agreement the United States can become a party thereto at its pleasure. The existence of these conditions is to be determined by the President of the United States by proclamation.

The new laws require that all books* copyrighted under them shall be printed from type† set within the United States, or from plates made therefrom (Sec. 4956, p. 12). In the case of photographs protected by American copyright, the negatives are to be made in the United States, and in the case of lithographs or chromos, the drawings are to be executed in the United States.

The importation of foreign editions of books covered by American copyright is prohibited.

*“A book within the statute need not be a book in the common and ordinary acceptance of the word; viz., a volume made up of several sheets bound together; it may be printed only on one sheet, as the words of a song or the music accompanying it. . . . The literary property intended to be protected by the act is not to be determined by the size, form, or shape in which it makes its appearance, but by the subject matter of the work. Nor is this question to be determined by reference to lexicographers to ascertain the origin and meaning of the word book. It will be more satisfactory to inquire into the general scope and object of the legislature, for the purpose of ascertaining the sense in which the word book was intended to be used in the statute.”—Thompson, J., *Clayton v. Stone*, 2 Paine, 383, 386.

†The general scope of the new copyright laws is to protect those publications which are produced as the result of American labor, and it has never been the policy of the courts to defeat the general purpose of the copyright laws by microscopic construction. It is therefore entirely safe to say that whatever process is employed in producing the effect of “type,” that process must be performed by American labor. The word “type” will doubtless be broadly construed to include all punches and other devices by which “books,” and all publications construed to be books, are made.

FOREIGN COUNTRIES.

RELATIONS OF THE AMENDED LAWS TO CITIZENS OF FOREIGN COUNTRIES.

The following countries permit foreigners to take out copyright on the same basis as their own citizens; and, doubtless, their citizens will be eligible to protection under American copyright by proclamation of the President of the United States, as provided for in the new laws (Sec. 13, p. 21).

Austria	Germany	Russia
Belgium	Guatemala	Roumania
Bolivia	Hayti	Spain
Brazil	Holland	South Africa
Colombia	Italy	Sweden
Denmark	Japan	Switzerland
Ecuador	Mexico	Tunis
France	Norway	Venezuela
	Peru	

Great Britain permits foreigners to take copyright on the same basis as its own citizens, *provided* the foreigner is at the time of publication anywhere within the British dominions, which expression includes British colonies and possessions of every sort. The proviso that the foreigner must be in the British dominions at the time of publication is a barrier to citizens of Great Britain obtaining copyright in the United States; but, by

acts of Parliament, the Queen is empowered to provide for copyright of an international character as to any nation which will reciprocate; and it is quite possible that the laws of Great Britain will be modified in such a manner as to allow its citizens to obtain copyright in America.

REVISED STATUTES

OF THE

UNITED STATES,

*Being the Act of July 8, 1870, as amended by
the Act of March 3, 1891.*

- | | |
|---|--|
| 4948. Copyrights to be under charge of Librarian of Congress. | entry for copyright prescribed. |
| 4949. Seal of office. | *4963. Penalty for false publication of notice of entry. |
| 4950. Bond of Librarian. | *4964. Damages for violation of copyright of books. |
| 4951. Annual report. | *4965. For violating copyright of maps, charts, prints, etc. |
| *4952. What publications may be entered for copyright. | 4966. For violating copyright of dramatic compositions. |
| 4953. Term of Copyrights. | *4967. Damages for printing or publishing any manuscript without consent of author, etc. |
| *4954. Continuance of term. | 4968. Limitation of action in copyright cases. |
| 4955. Assignment of copyrights and recording. | 4969. Defenses to action in copyright cases. |
| *4956. Deposit of title and published copies. Books, etc., to be printed in the United States. Importation prohibited excepting two copies. Translations. | 4970. Injunctions in copyright cases. |
| 4957. Book of entry and attested copy. | 10. Sec. 4971 repealed. |
| *4958. Fees. Catalogue. | 11. Each volume of a book an independent publication. |
| *4959. Copies of revised editions of copyright works to be furnished to Librarian of Congress. | 12. Act of 1891 takes effect July 1, 1891. |
| 4960. Penalty for omission. | 13. Conditions on which Act applies to citizens of foreign States. |
| 4961. Postmaster to give receipts. | |
| 4962. Publication of notice of | |

NOTE. — The sections preceded by an asterisk are those which were changed by the Act of 1891.

Copyrights to be under charge of Librarian of Congress.

SEC. 4948. All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the joint committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Seal of office.

SEC. 4949. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated.

Bond of Librarian.

SEC. 4950. The Librarian of Congress shall give a bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

Annual report.

SEC. 4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

What publications may be entered for copyright.

*SEC. 4952. The author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print,¹ or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary,

¹ See Act of 1874, Sec. 3.

and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of dramatic composition, of publicly performing or representing it or causing it to be performed or represented by others; and authors or their assigns shall have exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States.

SEC. 4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

Term of copy-
rights.

* SEC. 4954. The author, inventor, or designer, if he be still living, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term; and such persons shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers printed in the United States for the space of four weeks.

Continuance of
term.

Assignment of
copyrights and
recording.

SEC. 4955. Copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

Deposit of title
and published
copies.

* SEC. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuary, model, or design for a work

of the fine arts, a photograph of same: *Provided*, That in the case of a book, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives or drawings on stone made within the limits of the United States, or from transfers made therefrom. During the existence of such copyright the importation into the United States of any book, chromo, lithograph, or photograph so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, negatives, or drawings on stone, made within the limits of the United States, shall be, and it is hereby, prohibited, except in the cases specified in Paragraphs 512 to 516 inclusive, in Sec. 2 of the act entitled "an act to reduce the revenue and equalize the duties on imports, and for other purposes," approved Oct. 1st, 1890 ;¹ and excepting in

Books, etc., to
be printed in
U. S.

Importation of
copyrighted
books, etc.,
prohibited,
excepting two
copies.

¹The following are the sections of the Tariff act bearing on the bill:

512. Books, engravings, photographs, bound or unbound, etchings, maps, and charts, which shall have been printed and bound or manufactured more than twenty years at the date of the importation.

513. Books and pamphlets printed exclusively in languages other than English; also books and music in raised print, used exclusively by the blind.

514. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States, or for the use of the Library of Congress.

515. Books, maps, lithographic prints and charts especially imported, not more than two copies in any one invoice in good faith, for the use of any society incorporated for educational,

the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at any one time ; and except in the case of newspapers and magazines, not containing, in whole or in part, matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation ; *Provided, nevertheless,* That in the case of books in foreign languages, of which only translations in English, are copyrighted, the prohibition of importation shall apply only to the translations of the same, and the importation of the books in the original language shall be permitted.

Translations.

Book of entry
and attested
copy.

SEC. 4957. The Librarian of Congress shall record the name of such copyright book or other article, forthwith, in a book to be kept for that purpose, in the words following: "Library of Congress, to wit: Be it remembered that on the day of , A. B., of , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article,) the title or description of which is in the following words, to wit; (here insert the title or description,)

philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by order of any college, academy, school, or seminary of learning in the United States, subject to such regulations as the Secretary of the Treasury shall prescribe.

516. Books, or libraries, or parts of libraries and other household effects of persons or families from foreign countries, if actually used by them not less than one year, and not intended for any other person or persons, not for sale.

the right whereof he claims as author, (originator, or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

* SEC. 4958. The Librarian of Congress ^{Fees.} shall receive from the persons to whom the services designated are rendered, the following fees:

First. For recording the title or description of any copyright book or other article, fifty cents.

Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

Third. For recording and certifying any instrument of writing for the assignment of a copyright, one dollar.

Fourth. For every copy of an assignment, one dollar.

All fees so received shall be paid into the Treasury of the United States: *Provided*, That the charge for recording the title or description of any article entered for copyright, the production of a person not a citizen or resident of the United States, shall be one dollar, to be paid as above into the Treasury of the United States, to defray the expenses of lists of copyrighted articles as hereinafter provided for.

And it is hereby made the duty of the

Catalogues of
title entries.

Librarian of Congress to furnish to the Secretary of the Treasury copies of the entries of titles of all books and other articles wherein the copyright has been completed by the deposit of two copies of such book printed from type set within the limits of the United States, in accordance with the provisions of this act and by the deposit of two copies of such other article made or produced in the United States; and the Secretary of the Treasury is hereby directed to prepare and print, at intervals of not more than a week, catalogues of such title-entries for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails, and such weekly lists, as they are issued, shall be furnished to all parties desiring them, at a sum not exceeding five dollars per annum; and the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles prohibited by this act.

Copies of re-
vised editions
to be deposit-
ed.

* SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail, addressed to the Librarian of Congress, at Washington, District of Columbia, a copy of every subsequent edition wherein any substantial changes shall be made: *Provided, however,* That the alterations, revisions, and

additions made to books by foreign authors, heretofore published, of which new editions shall appear subsequently to the taking effect of this act, shall be held and deemed capable of being copyrighted as above provided for in this act, unless they form a part of the series in course of publication at the time this act shall take effect.

SEC. 4960. For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies, or description or photograph, required by sections four thousand nine hundred and fifty-six, and four thousand nine hundred and fifty-nine, the proprietor of the copyright shall be liable to a penalty of twenty-five dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

Penalty for omission.

SEC. 4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

Postmaster to give receipts.

SEC. 4962. No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be book; or if a map, chart, musical composition, print, cut, engraving, photograph,

Publication of notice of entry for copyright prescribed.

painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words: "Entered according to Act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington."¹

Penalty for
false publica-
tion of notice
of entry.

* SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic, or musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States.

Violation of
copyright
books.

* SEC. 4964. Every person who, after the recording of the title of any book and the depositing of two copies of such book, as provided by this act, shall, contrary to the provisions of this act, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import, or knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as

¹ See Act of 1874, sec. 1.

may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

* SEC. 4965. If person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this act, shall within the term limited, contrary to the provisions of this act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale, and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States.

Damages for
violating copy-
right of maps,
charts, etc.

For violating
copyright of
dramatic com-
positions.

SEC. 4966. Any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just.

Damages for
printing or
publishing any
manuscript
without con-
sent of author,
etc.

*SEC. 4967. Every person who shall print or publish any manuscript whatever without the consent of the author or proprietor first obtained, shall be liable to the author or proprietor for all damages occasioned by such injury.

Limitation of
action in copy-
right cases.

SEC. 4968. No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

Defenses to
action in copy-
right cases.

SEC. 4969. In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.

Injunctions in
copyright
cases.

SEC. 4970. The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity on such terms as the court may deem reasonable.

SEC. 10. Act of 1891. That section forty-nine hundred and seventy-one of the Revised Statutes be, and the same is hereby, repealed.

Section 4971 excluding aliens repealed.

SEC. 11. Act of 1891. That for the purpose of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical shall be considered an independent publication, subject to the form of copyrighting as above.

Each volume of a book an independent publication.

SEC. 12. Act of 1891. That this act shall go into effect on the first day of July, anno Domini eighteen hundred and ninety-one.

Takes effect July 1, 1891.

SEC. 13. Act of 1891. That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation, permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement. The existence of either of the conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time as the purposes of this act may require.

Conditions on which this act applies to citizens of foreign states.

ACT OF JUNE 18, 1874.

An act to amend the law relating to patents, trademarks, and copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model, or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the following words, viz.: "Entered according to act of Congress, in the year —, by A. B., in the office of the Librarian of Congress, at Washington;" or, at his option the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out; thus — "Copyright, 18—, by A. B."

No right of action for infringement of copyright unless, etc.

Modes of entry.

SEC. 2. That for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover, in either case, a certificate of the record, under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States.

Fee for recording and certifying assignments of copyright.

SEC. 3. That in the construction of this act, the words "Engraving," "cut," and "print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

Restriction on application of words, "Engraving," "cut," and "print."

Other prints and labels may be registered in Patent Office. Commissioner of Patents charged with supervision.

Fees.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be and the same are hereby repealed.

Repeal of inconsistent laws.

SEC. 5. That this act shall take effect on and after the first day of August, eighteen hundred and seventy-four.

Takes effect Aug. 1, 1874.

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